

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN
CLERK

JAMES T. FOLEY U.S. COURTHOUSE
445 BROADWAY, ROOM 509
ALBANY, NEW YORK 12207
(518) 257-1800

June 13, 2005

Clerk, US District Court
2300 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002

RE: Pharmaceutical Industry Average Wholesale Price Litigation
MDL Docket # 1456
NDNY Case # 05-cv-478 TJM/RFT

Dear Clerk:

Enclosed herewith please find a certified copy of the Conditional Transfer Order and a certified copy of the docket sheet in the above-listed MDL case. As this case is completely electronic under ECF, you can view the original record by clicking on the "CM-ECF Quick Query" link on our intranet site at <http://156.121.59.197/>.

Please return the copy of this letter to my attention when you receive this. Thank you.

Sincerely,
LAWRENCE K. BAERMAN, CLERK



By: Britney Norton
Deputy Clerk

ban
Enclosures

ACKNOWLEDGMENT: _____ DATE: _____

CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Albany)
CIVIL DOCKET FOR CASE #: 1:05-cv-00478-TJM-RFT

County of Saratoga v. Abbott Laboratories, Inc. et al	Date Filed: 04/19/2005
Assigned to: Judge Thomas J. McAvoy	Jury Demand: Plaintiff
Referred to: Magistrate Judge Randolph F. Treece	Nature of Suit: 890 Other
Cause: 42:1396 - Tort Negligence	Statutory Actions
	Jurisdiction: Federal Question

Plaintiff

County of Saratoga

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
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Roger W. Kirby
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830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540

Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Purepac Pharmaceutical Co.

Defendant

Amgen, Inc.

Defendant

Immunex Corp.

Defendant

Andrx Corp.

Defendant

**Astrazeneca Pharmaceuticals
L.P.**

Defendant

Aventis Pharmaceuticals Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corporation

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

**Bristol-Myers Squibb
Company**

Defendant

**Oncology Therapeutics
Network Corp.**

Defendant

Ben Venue Laboratories, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Roxane Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

**SmithKline Beecham
Corporation**
doing business as
Glaxosmithkline

Defendant

Hoffman-La Roche, Inc.

Defendant

Roche Laboratories, Inc.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

**Janssen Pharmaceutica
Products, LP**

Defendant

Johnson & Johnson

Defendant

McNeil-PPC, Inc.

Defendant

Ortho Biotech Products LP

Defendant

**Ortho-McNeil Pharmaceutical,
Inc.**

Defendant

King Pharmaceuticals, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

**Novo Nordisk Pharmaceuticals,
Inc.**

Defendant

**Novartis Pharmaceuticals
Corp.**

Defendant

Sandoz, Inc.

Defendant

**Organon Pharmaceuticals
USA, Inc.**

Defendant

Par Pharmaceutical, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Greenstone, Ltd.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Reliant Pharmaceuticals

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

**Warrick Pharmaceuticals
Corp.**

Defendant

Serono, Inc.

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

**Tap Pharmaceutical Products,
Inc.**

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
04/19/2005	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250 receipt number ALB000719) filed by County of Saratoga. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B# <u>3</u> Exhibit(s) C# <u>4</u> Exhibit(s) D# <u>5</u> Exhibit(s) E)(tab) (Entered: 04/20/2005)
04/19/2005		Summons Issued as to Immunex Corp., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche

		Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Sandoz, Inc., Alcon Laboratories, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Allergan, Inc., Schering Corporation, Warrick Pharmaceuticals Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alpharma, Inc., Purepac Pharmaceutical Co., Amgen, Inc.. (tab,) (Entered: 04/20/2005)
04/19/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/24/2005 10:00 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 8/15/2005. (tab) (Entered: 04/20/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel for County of Saratoga requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/16/2005	4	ORDER: Plaintiff's attorney advises the Court that this case, among others, may be subject to Multidistrict Litigation with the District of Massachusetts. Dkt. No. <u>3</u> Letter Request filed by County of Albany. Inasmuch as this case will be transferred to the District of Massachusetts, this Court adjourns the scheduled Rule 16 conference without date, and awaits an order from the Clerk of the Court for the District of Massachusetts officially transferring this case from this District Court to the District of Massachusetts. SO ORDERED. Signed by

		Judge Randolph F. Treece on 5/16/05. (Treece, Randolph) (Entered: 05/16/2005)
05/16/2005	<u>5</u>	NOTICE of filing of the CONDITIONAL TRANSFER ORDER to MDL (CTO-21) filed in the clerk's office of the Judicial Panel on mUltidistrict Litigation on May 12, 2005. (15 day objection time is still in effect) (tab) (Entered: 05/17/2005)
05/19/2005	<u>6</u>	NOTICE from Judicial Panel on MDL advising of a Conditional transfer Order; This case is stayed until further notice (kcl,) (Entered: 05/19/2005)
06/10/2005	<u>8</u>	Letter from District of Massachusetts regarding transferring case for MDL. (ban) (Entered: 06/13/2005)
06/13/2005	<u>7</u>	TRANSFER ORDER. Case Transferred to District of Massachusetts for MDL (re Pharmaceutical Industry average wholesale price litigation). Signed by Clerk of the Panel Michael J. Beck. (ban) (Entered: 06/13/2005)
06/13/2005		Case transferred to District of Massachusetts. Original file, certified copy of transfer order, and docket sheet sent. (ban) (Entered: 06/13/2005)

PACER Service Center

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

June 8, 2005

Mr. Larry Baerman, Clerk
345 James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
JUN 10 2005
LAWRENCE K. BAERMAN, CLERK
ALBANY

IN RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average
Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

✓ 1:05-408 County of Washington v. Abbott Labs, Inc. et al	District of MA No: 1:05-11180
✓ 1:05-422 County of Rensselaer v. Abbot Labs, Inc. et al	District of MA No: 1:05-11181
✓ 1:05-425 County of Albany v. Abbott Labs, Inc. et al	District of MA No: 1:05-11182
✓ 1:05-468 County of Warren v. Abbott Labs, Inc. et al	District of MA No: 1:05-11183
✓ 1:05-474 County of Greene v. Abbott Labs, Inc. et al	District of MA No: 1:05-11184
✓ 1:05-478 County of Saratoga v. Abbott Labs, Inc. et al	District of MA No: 1:05-11185

Dear Mr. Baerman :

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

I hereby certify that the foregoing document is a true and correct copy of the

- ☐ electronic docket in the captioned case
☐ electronically filed original filed in _____
☒ original filed in my office on 5-17-05

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: [Signature]
Deputy Clerk

DOCKET NO. 1456

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

15 115 P 1:09

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.